



State of Delaware
Commission on Forensic Science

Minutes - 4/10/17

10:00 a.m. – 12: 00 Noon

Division of Forensic Science - 1st Floor Conference Room
200 South Adams Street
Wilmington, DE 19801

1. Welcome, Call to Order, and Introductions

- The meeting was called to order by Vice-Chair, Secretary Rob Coupe. In attendance were:

Voting Commission Members

DAG Barzilai Axelrod	Department of Justice
Secretary Rob Coupe	Department of Safety & Homeland Security
Major Daniel Meadows	Delaware State Troopers Association
Representative John Mitchell	Delaware House of Representatives
Lisa Schwind, RN, Esquire	Office of Defense Services-Public Defender's Office
Anita Symonds, RN	Christiana Care
Secretary Kara Walker	Department of Health & Social Services
Clytrice L. Watson, Ph.D.	Interim Dean-College of Math, Natural Sciences & Technologies, Delaware State University

Non-voting Attendees

Commission's Legal Support

DAG Jennifer Noel	Department of Justice (substituting for DAG Lisa Morris)
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Additional Non-voting Attendees

John R. Evans	DFS - Director
Jill Fredel	DHSS – Communications Director
Isabella Kaplan	DTI - Customer Engagement Specialist
Josh Scorziello	DFS – Intern, University of Delaware
Jessica Smith	DFS - Chief Forensic Toxicologist
Rebecca Walker	DFS - Chief Operating Officer

Absent Voting Commission Members

Chief Randall L. Hughes	Delaware Police Chiefs' Council – Chair
Senator Robert Marshall	Delaware State Senate

- Introduction: Secretary Coupe welcomed Major Daniel Meadows as a newly appointed member of the Commission. He then read Major Meadows' 2/22/17 appointment letter for the record:
 - "I hereby appoint you as a member of the Commission on Forensic Science. Senate Bill 241 established a Commission on Forensic Science in 2014 to provide oversight and guidance to foster professionalism within, and the development and growth of, the Division of Forensic Science. You will serve as the member representing the Delaware State Troopers Association or the Fraternal Order of Police with formal training in forensic science appointed by the Secretary of the Department of Safety and Homeland Security with the concurrence of the Governor" (per Title 29, Chapter 47, §4714. You are qualified for this position as a member of the Delaware State Troopers Association, with over twenty-four (24) years of law enforcement experience and specialized training in criminal investigations, to include a course on Forensic Science for Police Administrators and Managers. I am grateful for the experience that you will bring to the Commission. Thank you for your willingness to serve the State in this important role. Sincerely, Robert M. Coupe, Secretary of Safety & Homeland Security."

2. Approval of the Minutes

- Major Meadows made a motion to approve; DAG Axelrod seconded the motion. Hearing no objections, all voting members in attendance unanimously voted to approve the minutes of February 13, 2017 meeting.

3. DFS Director's Report

- Staffing:
 - a. As reported at the last Commission meeting, DFS welcomed three new Analytical Chemists to the Forensic Chemistry Unit in December. They have completed approximately half of their competency testing, which ends on April 12th. Moot Court has been scheduled for the end of April, and if successful, they will then be ready to accept their own casework. This process was accelerated, taking only four months as opposed to the average six-nine months.
 - b. A Toxicology Unit Analytical Chemist, who started on February 6 is currently undergoing training on the use of the MassHunter, which is the Agilent software DFS uses to process all of the Toxicology batches and data. DFS hopes to be able to utilize her in the near future on a research/development and validation project to create a quantitative amphetamine panel, where one does not currently exist.
 - c. Offers were extended for five Analytical Chemist positions in the Forensic Chemistry Unit. Three offers have been accepted and are in the background phase, and HR is in the process of extending the remaining two offers. The end goal being to have them in the position to begin accepting their own casework as soon as possible.
 - d. The sixth position is in the process of being reclassified to a lab tech position, which will be filled by a State employee from another Department. This person will be assigned to the FCU and will help with some of the ancillary duties (supply orders, etc.) currently being handled by the chemists, which will result in more bench time.

- e. A new Office Manager for the Georgetown Office, Patricia Tanner, started March 6. She will help with cremation permits for Kent and Sussex Counties, answer the main line and overseeing day-to-day office matters.
- f. On March 6, Heather Maldonado was promoted from an Analytical Chemist III in the Tox Unit and now is a Lab Manager I in the Unit.
- g. On March 17, Adam Rauch, a Forensic Evidence Specialist, resigned to pursue an opportunity with the State of Delaware Constable service.
- h. Julia Vekasy was promoted from Forensic Investigator to Chief Forensic Investigator and started in that position on April 3.
- i. An offer was extended and accepted to fill the Casual/Seasonal (C/S) Lab Maintenance Tech position but the individual declined the position. Minor lab maintenance does not fall under the purview of the Specialty Underwriters agreement (i.e., water lines, gas lines, movement of tanks, general building maintenance not handled by Facilities Management, etc.). With the loss of our full-time commitment from Facilities Management, there is a gap in DFS' ability to provide these services and will now have to reach to outside contractors.
- j. The DNA Analyst position which was vacated in December, due to a resignation, has been filled; the new analyst will start on April 17.
- k. DFS currently has the following vacancies:
 - C/S Management Analyst position to assist in managing the FLIMS system - currently handled by DTI through MOU.
 - C/S Pathologist position at the Georgetown facility. Dr. Walker is continuing to work with Dr. Finnelli, DAFB.
 - C/S Forensic Investigator position at Georgetown facility (to backfill a resignation).
 - Analytical Chemist III position in Forensic Chemistry (to replace a retirement).
 - Analytical Chemist II position, Toxicology (backfill Heather Maldonado's position).
- Other Matters Relating to Personnel:
 - a. DFS is proud that Katharine Pope (Forensic Investigator) was elected to Chair the Board of Directors for the Society of Forensic Anthropologists (SOFA), which is a U.S. based professional organization that encourages communication and cooperation among forensic anthropologists.
 - b. DFS currently has two student interns, one at the Georgetown Office shadowing the Forensic Investigators, and one at the Wilmington Office circulating to each of the units. DFS anticipates a full schedule of interns throughout the summer.
 - c. DFS participated in CPR and AED training hosted by DSP Aviation.

- d. In March, three members of the Toxicology Unit received three days of training in Measurement Confidence. Also in March, the leadership team received training in the Qualtrax system (compliance management software) to help ensure compliance with ISO, ASCLD/LAB, NAME and FBI QAS DNA standards.
- e. DFS continues to conduct random drug testing on our staff with the most recent testing being completed last week. There have been no issues in that regard.
- f. Preliminary discussions have been held with both Dr. Finnegan, who is on state contract, as well as with the statewide Critical Incident Stress Management (CISM) team, in an effort to develop a mechanism whereby all members of the DFS team, particularly the M.E. Unit, will have regularly scheduled access to counseling and coping skills.
- Management of Drug Cases and NMS:
 - a. DFS continues to work closely with the DOJ and NMS to effectively manage the pending drug caseload, while balancing the needs of the Court and the criminal justice community with fiscal responsibility.
 - b. DFS finalized a contract with NMS for calendar year 2017 that includes the requirement for NMS to notify DFS when certain expense thresholds have been reached. Outsourcing costs through March 2017 reached \$502,000.
 - c. As reported previously, OMB has identified a hard stop in terms of available funding in 2017 to support outsourcing of drug evidence, including both our backlogged cases as well as new case submissions. DFS is concerned as it is quickly approaching that hard stop and are only in the first quarter of the year.
 - d. Also of concern, is that at both DFS and NMS, case management is at “steady state”; meaning that both labs are able to accommodate new case submissions and satisfy court established deadlines, but have not been able to reduce the backlog.
 - e. Director Evans is working with DAG Axelrod to identify and develop areas in the current case management process, which will result in a greater impact on reducing our backlog, while also ensuring fiscal responsibility.
 - f. The Forensic Chemistry Unit is currently testing an extremely large heroin seizure case from Sussex County. The operational impact is devoting one chemist and one instrument full time to that case. The goal is to have the case completely tested, reviewed and a report submitted by August 31, in keeping with Court established deadlines.
- DNA Unit:
 - a. DNA case submissions increased from 2015 to 2016 and continue to increase in 2017. Despite the uptick in caseload, the DNA team continues to complete casework within acceptable limits and within Court established deadlines.

- b. In addition, the DNA Unit continues to enter offender samples into the CODIS database in an average of approximately 39 days.
- c. In the first quarter of this year, the DNA Unit has received 52 sexual assault cases as compared to receiving 104 in all of 2016. In addition, each of the untested/backlogged sexual assault kits in evidence at law enforcement agencies across the state are being tested by Bode Labs, however, our DNA Unit will be required to review every case that will be entered into the CODIS database.
- d. The DNA Unit is scheduled for an external audit July 10th-12th.
- Toxicology Unit:
 - a. Demands on the Toxicology Unit continue to increase and until recently, the number of backlogged and pending cases were decreasing. Due to internal transition and a staffing shortage, the number of backlogged cases is beginning to increase.
 - b. DFS is concerned with the Tox Unit being down two chemists beginning in late spring due to maternity leave. The staff shortage will result in some increase in overtime, but we are also managing resources by having Johna Esposito help out with case reviews plus permitting employee remote access to FLIMS to allow for report approval after hours.
 - c. The Toxicology Unit applied for and was awarded a grant through the Office of Highway Safety. The grant supports impaired driving initiatives and will provide funding for a consultant with Agilent to train on method development.
- Medical Examiner Unit:
 - a. The Kent County satellite office for the Forensic Investigators became operational in early March. The office will be staffed Monday thru Friday 9:00 a.m. – 5:00 p.m. The days and times were identified as being the busiest in terms of calls for service in Kent County. The office is located in a shared space with the Capitol Police Headquarters in the Tatnall Building and thanks goes to Chief Horsman for his partnership. Again, this office will help in being more responsive to the needs in Kent County.
 - d. The Forensic Investigators have received new 800 band portable radios as part of the statewide transition. There will soon be a protocol whereby the investigators will use the radios on a regular basis to communicate with DSP HQ Comm when responding to death scenes. These radios will act as a lifeline for the investigators and will help with accountability and efficiency. In addition, the Investigators have now been granted remote access capability to their PCs. This too will help with efficiency and responsiveness to our customers.
 - e. On April 3, Dr. Collins, COO Walker and Director Evans visited the Public Health warehouse in Dover to view the newly purchased morgue trailer. Public Health purchased the trailer through grant funds and it will be used in the event of a mass fatality or Ebola or other infectious disease death. The refrigerated box trailer is approximately 30' in length and can hold a maximum of 24 bodies.

- f. DFS will work with Public Health to draft an MOU to include matters related to the storage and activation of the morgue trailer. Director Evans thanked Secretary Walker and Public Health for their partnership in this effort.
- g. A Mass Fatality Response Team, with members from the Medical Examiner Unit, has been identified. The Team's first meeting was held last week. This team will be intimately familiar with the State's Mass Fatality Plan and with the workings of the morgue trailer and other related equipment and will be the first to respond from our office.
- Technology and Equipment:
 - a. Bar Coding: On March 23, DFS leadership had a final meeting with DTI before implementation. The bar coding process is scheduled to begin April 10.
 - b. On April 6, Dr. Collins met with DTI and the vendor in an effort to work out the final customization requests, which need to be resolved before implementation of the FLIMS M.E. module. The delay, in part, is out of our control and in the hands of the vendor. Dr. Collins has reported that the meeting was very productive and the goal to begin using the M.E. module is for the second half of this year.
 - c. Three new PCs have been procured for the Analytical Chemists hired in December. Their office space will be in the basement, however, DFS needs the sprinkler installation crew to remove their equipment.
 - d. DFS is working with DTI to procure a Cisco Conference Call system installed in the conference room at the Georgetown Office, similar to what DFS has in Wilmington.
 - e. DFS is partnering with DSP to procure two MorphoDent scanners, which are portable fingerprint scanners that our Forensic Investigators can use either in the field or in the autopsy room to fingerprint decedents. DTI will soon be installing the necessary software on the Investigators' PCs. This will facilitate and expedite the process of having prints compared to the database.
- Building Modifications:
 - a. DFS continues to work closely with Facilities Management and the architectural firm on the design phase of the work stations and coolers in the autopsy suite. Once the design phase has been completed, the entire morgue project will go out to bid - construction phase to begin in the fall of 2017. The alternate work location to conduct autopsies during the morgue shutdown will be the Georgetown Office. The end result of this project will be an autopsy suite that more closely resembles a state-of-the-art facility and one that is much closer to being in compliance with NAME standards.
 - b. Work on the sprinkler system and fire alarm system installations continue in Wilmington. The installation will soon be completed in the main building and begin in the annex building, with the entire project scheduled to be completed at the end of April or first week of May.

- Secretary Coupe asked whether the OHS grant (for method development training) would have any impact on the Tox Unit's backlog and staffing shortage. Jessica Smith, Chief Toxicologist, explained that one of the challenging areas of forensic toxicology is to keep up with changing drug trends and to develop methods to detect new drugs and to improve our existing methods. In February 2017, DFS hired an Analytical Chemist III who will be focusing on research and method development. This grant will provide her with the skills she needs to move forward with our first project.
- Secretary Coupe asked about progress with the state barcoding initiative and if it were on the same platform as the one for DFS. Director Evans recalled that discussions around creating a statewide barcoding system through DELJIS (Peggy Bell) was suggested as the platform for a statewide barcoding system so that all stakeholders would have access. Ms. Kaplan said she does not know exactly where that project stands at the moment. She heard they were looking at the option of leveraging through New World but not sure how far that has been explored. Ms. Kaplan explained that the barcoding system here is just internal to DFS.
- ODS Schwind asked why the sexual assault kits are going to Bode for analysis. Director Evans said Bode is working on the untested/backlogged sexual assault kits in evidence at law enforcement agencies across the state through a national initiative. DFS still must review the analysis and enter profiles of value into the CODIS database.
- Other:
 - a. On February 15, a meeting was held with the CJC to discuss an opportunity to use Coverdell Grant monies to purchase instrumentation needed to address the controlled substances evidence backlog and to provide training opportunities for Forensic Investigators. The grant application was submitted and both CJC and DFS believe that it meets the eligibility requirements and are optimistic.
 - b. On February 21, Secretary Coupe presented before the Joint Finance Committee on behalf of the Divisions within the Department of Safety and Homeland Security. Specifically as it relates to the Division of Forensic Science, members of the JFC asked for an explanation and sought clarity on our request to have the state provide funding for a feasibility study.
 - c. On March 1, Secretary Coupe presented at the Capital Improvement Program Public Hearing. During this hearing, Senator Townsend asked for explanation on our request to fund the feasibility study and we thank Representative Mitchell and Senator Marshall for their supportive comments during the hearing.
 - Secretary Coupe shared with Commission members that the way the study was presented on paper was in two parts. Part one being to understand how the current facility is being utilized, to see how the services provided are accommodated; and can this site be improved/expanded to accommodate what

is needed going forward. Part two of the study was to determine if DFS would be better going off site and finding a new location and designing that facility to meet DFS needs. He said the general spirit of the committee was that they think that from the work this Commission has done, what Director Evans has done, and from their own individual knowledge of actually being here at DFS, is that this facility is not capable of meeting the mission into the future. It is better use of the State's money for the feasibility study to focus on a new building/a new design, opposed to spending time/money answering questions that most people in the room already knew - that this building is not capable of meeting our mission. Therefore, Representative Mitchell asked Chief Hughes to reach out to OMB to provide properties that would be available and have suitable acreage to develop a new site, with focus to southern New Castle County as this would be best location to serve the entire state. Representative Mitchell noted he was relieved to hear that kind of thinking at the hearing and to see how pragmatic members were being in these tough economic times.

- Representative Mitchell added that it was good he and Senator Marshall could relate to the committee members the real picture of what is going on here and it was appreciated by the committee. He said that in the past, there were concerns about keeping the facility in the Wilmington area and we said if Wilmington wanted to keep the facility in Wilmington, they needed to come up with a building that is compatible and will work, but that has not happened. He said that both he and Senator Marshall will push to keep this initiative going.
- d. ASCLD had completed a site surveillance visit in early February. On February 21, ASCLD formally advised that the continuation of ASCLD accreditation was approved based on the results of the site surveillance visit.
 - e. The customer satisfaction survey had been completed at the end of 2016. Director Evans said he has since reviewed the results and shared the following:
 - An anonymous survey was sent out to law enforcement, the DOJ, Office of Defense Services, funeral homes, etc. The distribution list was approximately 200 in number. Only 34 responded. In the areas of accessibility, responsiveness and overall quality of service, the majority of responses were in the categories of meets expectations to exceeds expectations. Communication between our (DFS) staff and the customer is an area for growth, particularly regarding professionalism and cooperation. Again, DFS recognizes this and is taking steps through training and a restructuring of our organization to address it.
 - f. DFS is in the process of sending an informational brochure out to be printed -the brochure will be provided by Forensic Investigators to the decedent families on death scenes to better help them understand the process.
 - g. A final draft of the 2016 Annual Report has been completed and forwarded to Secretary Coupe and Chief Hughes and either a hard or electronic copy will be provided to each Commission member in the near future.

- h. Director Evans said he has asked the Chair of the Commission for his thoughts on holding a Commission meeting at our Georgetown Office. Chief Hughes is in favor of it and it would be a good opportunity to see the facility and where exactly it is located. There were no objections to holding the meeting in Georgetown.
- i. Dr. Rebecca Walker reported that the 2015 year-end DMI (Delaware Monitoring Initiative) report is available from DIAC and if anyone would care for a copy, just let her know and she will send via e-mail. Also, DFS has applied for, and will receive, two CDC “epi” (epidemiology) aides who will be available for two weeks this summer looking at how we do our statistical reporting, how we engage between our different units, and to help us increase our overall efficiency with the information we provide to various entities.
- j. Representative Mitchell said he would like to add something about a recent encounter he had with a family who had experienced a loss. The family had a friend contact him and take him to this house and spend some time with them. The County police were there, as well as a DFS Forensic Investigator. He said everyone got a little more emotional than expected and Rep. Mitchell is happy to report that the DFS investigator is the one who calmed the family down and got the situation under control. He said he wanted to share with Director Evans and the Commission and let them know the professional way he conducted himself and know DFS has a great staff. Director Evans thanked Rep. Mitchell for his comments.

5. Standards & Certifications Advisory Committee

- Dr. Watson provided a brief update on what they had been working on and that their foci have been revamped for 2017:
 - Improving DFS staff retention: i) focusing on hiring DE residents = higher commitment to remain in Delaware; ii) work with universities to better prepare students for employment; and iii) increase DFS diversity.
 - Improve and expand DFS Internship Program: SAC will develop internship guidelines while each unit develops guidelines specific to their area.
 - Develop pay scale/step increase/pay parity: In light of discovering there is already a step plan in place (i.e., Analytical Chemist, I, II, III), it was concluded a greater service would be to focus on staff professional development. Limited funding for this has prompted the committee to look toward other institutions and agencies regarding their activities, and also partnering with establishments of higher education for grant funding.
 - Outreach: Important to build community relationships and a member of this committee, Dr. Hans, is interested in revitalizing the forensic science seminar series at DSU to include DFS personnel. The committee also will undertake a name change to include “Outreach” in their nomenclature.
- Dr. Watson officially informed the Commission that this is her last meeting as she has accepted a position elsewhere. She would like to nominate Dr. Krystal Hans as her replacement on the Commission and as head of the SAC. She will contact Lydia Massey, Director of Boards & Commissions, for information regarding her withdrawal and the naming of a new member. Dr. Watson said it has been a pleasure to serve in this capacity on the Commission. Secretary Coupe said Dr. Watson has been a great partner with her unselfish commitment to this Commission and on behalf of everyone, we thank her for this service.

- ODS Lisa Schwind asked if the committee had found out if the professionals at DFS would be able to access the university's library as this would provide a wealth of materials to them. Ms. Schwind believes it would greatly benefit DFS and assist with their effort to follow best practices. Dr. Watson said she had not pursued this any further but will ask Dr. Hans to add to the Committee's 2017 goals.

6. Strategic Planning Advisory Committee

- DAG Axelrod said after some discussion with Major Evans, he has decided he will accept the Committee's chair position. With that, Secretary Coupe nominated DAG Axelrod as the SPC Chair. Secretary Walker made a motion to approve; Dr. Clytrice Watson seconded the motion. Hearing no objections, all voting members in attendance voted unanimously to approve DAG Axelrod's nomination.

7. Commission Members Open Discussion

- Anita Symonds, R.N., recalled that at our last meeting a sub-committee was formed to explore certifications for the Pathology Unit (i.e., doctors, forensic investigators) similar as was done for the other units, i.e., continuing education, best practices, national standards. Ms. Symonds suggested that perhaps the unit should be asked what they are looking for and what their expectations may be involving certifications and standards for the Pathology Unit. In this regard, said Ms. Symonds, she is asking COO Rebecca Walker for assistance in beginning this exchange. Director Evans added that DFS is also looking at continuing education for our forensic investigators through monies obtained from a Coverdell grant.

Adjourn

- Hearing no other questions/concerns, Secretary Coupe acknowledged the meeting was adjourned.

Next Meeting Date: Monday, June 26, 2017

Mary Ann Coverdale Center @ The Stockley Center Campus – Georgetown
10:00 am – 12:00 am